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PBHI

PERHIMPUNAN BANTUAN HUKUM DAN HAK ASASI MANUSIA INDONESIA
INDONESIAN LEGAL AID AND HUMAN RIGHTS ASSOCIATION

POLICE INVESTIGATION OF XANANA
In Cipinang Jail, on November 18, 1997 :

-- SUMMARY --

Indonesian authorities sent its official to Cipinang prison to question Xanana Gusmao last 18 November 1997. Xanana was interrogated as a witness related to the case of a several young Timoreses charged under article 1, paragraph 1, Act No. 12/Drt/12/1951 concerning the carrying and possession of explosive materials which carries a maximum death penalty.

Earlier, on 17 November 1997, Xanana refused to comply with the investigation and requested the presence of PBHI defense lawyers as his legal counselor.

Xanana was interrogated by a team of police officials led by Lieutenant Colonel Kamaludin Lubis and Captain Iolani from the headquarter of police forces. They were assisted by two Dili based officers Major General Mangatas Tambunan and Sergeant Major Adrianus Amung.

During the investigation Xanana was accompanied by a team of legal counselors led by Luhut MP Pangaribuan and assisted by R. Dwiyanto Prihartono, Yanrino Sibuea and Pablo C. Nainggolan as members of the team.

Investigation was held from 14.00 to 18.00 local time. In the mean time, the investigation considered to be final and there is no indication of further interrogation.

The Police authorities questioned Xanana on several issues, among them :

1. Concerning a number of East Timorese figures such as Jose Ramos Horta, Noni Konis Santana and Constancio Costa res Santos. Xanana admitted that he knows Ramos H and acknowledges Horta as his personal representative and representative of CNRM abroad. He also stated that he knows Nino Konis Santana very well. He regards Konis Santana as the one that replaced him as field commander in the struggle against Indonesian occupation.

   Asked about his relation with Constancio Santos, Xanana replied by saying that he knows Constancio as a member of the clandestine organisation who visited him in Cipinang prison. During the investigation Xanana also stated that he knows very well David Alex as his staff in FALINTIL.

2. During the process of interrogation, the Police showed Xanana four letters in envelopes dated 10 August 1997, which according to the Police contained sums of Rp. 250.000,- directed to RENAN SELAK, ALUK, IVI and MAUNANA. The identity of the senders is FUNU LITIK. In

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replying the question by the police, Xanana said that he never sent nor dropped letters or anything to them.

3. The Police also showed him "evidence articles", i.e. five colored photographs depicting pictures of several persons. Xanana said that he knows some of them such as Ramos Horta, Constancio Santos, Konis Santana and L. Foraibot. Xanana didn't recognize the other person in the picture. Further, Xanana told his interrogator that he knows some of them in the picture since the beginning of war, 7 December 1975, within the structure of liberation movement.

4. During the interrogation, the Police also questioned the communication procedures between Xanana and his comrades abroad.. Regarding this question, Xanana stated that sometimes he meet East Timorese friends during visiting time in Cipinang Prison. He often asked them the situation in East Timor. However, he doesn't remember each of the name of his visitors.

5. In particular, the Police questioned his relation with Constancio Santos and over the evidence articles confiscated from Constancio, i.e. home-made bombs and ammunition. Xanana replied that he didn't know where Constancio got the ammunition from. Concerning the bombs, Xanana said that he was informed before hand about its production. He firmly stated that he support this activity. Xanana said: " As commander of Falintil I know exactly the needs of guerillas. The making of the bombs is to support the Falintil guerillas in the struggle against Indonesian armed forces, who since the last 23 years have been occupying our country Timor Leste and suppressing the freedom of the Maubere people".

In another part of the dossier (BAP), Xanana wrote down: "As commander of Falintil and a leader of Maubere people struggle I give them permission to produce those bombs and I told Constancio I will take full responsibility over the activities. Here in this dossier, I want to clearly state that any accusation of our engagement in terrorism is absolutely untrue. We never have any intention to use the bombs in Indonesia or to use it for civilian targets. Should we have such intentions, we would have already been able to use it while riots and tensions occurred during the last election in Indonesia. Hence, once again, I reiterate that those bombs are made to support our military resistance against Indonesian armed forces, ABRI. The making of those bombs is within the frame work of this scheme. I take full responsibility of the activities".

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Jakarta, November 19, 1997
Indonesian Legal Aid and Human Rights Association (PBHI)